

## **REGULAR MEETING AGENDA**

Wednesday, March 23, 2016 7:45 P.M.  
Public Meeting Room 206  
Darien Town Hall, 2 Renshaw Road  
Darien, Connecticut

### **OPENING**

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce another's protections as defined within the Zoning Regulations. Therefore, any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium. In order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

**The ZBA will make every reasonable effort to complete this agenda in a timely manner. However, complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently.** Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting and some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

### **CONTINUATION OF PUBLIC HEARING**

#### **CALENDAR NO. 53-2015**

Opened on December 16, 2015 and immediately continued to January 20, 2016 at the applicant's request due to the lack of a full 5 member panel, reopened on January 20, 2016 and recontinued to January 27, 2016 at the applicant's request, reopened on January 27,

2016 and recontinued to February 24, 2016 at the applicant's request. No testimony, comment, or additional information was provided to the ZBA on December 16<sup>th</sup>, January 20<sup>th</sup>, or January 27<sup>th</sup>. However a hearing was conducted on February 24, 2016 and the seated ZBA panel that evening was Gary Greene, Chuck Deluca, Vic Capellupo, Jeff Williams, and Rich Wood. The ZBA determined on February 24<sup>th</sup> that additional clarifying information was needed and the hearing was continued to tonight March 23<sup>rd</sup> with the applicant's consent. This hearing must be completed by tonight since it cannot be continued later than March 25, 2016 (up to 100 total days).

The application of Jeffrey McDougal and William W. Seymour & Assoc. on behalf of ERI Building & Design, LLC, and Devin & Michael Conroy, owner, submitted on October 20, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the installation of AC equipment and the construction of front steps, side steps, front porch, second story, two story, and garage/deck additions; Section 406: 16.4 in lieu of 30.0 feet minimum required front yard setback and 40.8 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Wakemore Street; 2.5 in lieu of 10.0 feet minimum required west side yard setback; 15.8 in lieu of 22.5 feet minimum required east side yard setback; and 18.3 in lieu of 25.0 feet minimum required total of two side yards setback. The property is situated on the north side of Wakemore Street approximately 450 feet east of the intersection with Hoyt Street and is shown on Assessor's Map #8 as Lot #219, being 20 Wakemore Street and located in an R-1/3 (residential) Zone.

## **PUBLIC HEARINGS**

### **CALENDAR NO. 05-2016**

The application of Robert F. Maslan, Jr., Esq. and Maslan Associates PC on behalf of Baywater 1340 BPR, LLC for Shake Shack submitted on December 23, 2015 for variances of Sections 926 and 923 of the Darien Zoning Regulations; to allow the installation of signs; Section 926: four in lieu of one maximum "wall" sign; 63.33 in lieu of 16.67 square feet maximum wall sign area; internal LED illumination of four burger logos/symbols with exposed side and front light strips which is not permitted; and Section 923: installation of three signs on the sides of the building which do not abut a street where none are permitted; installation of one sign on a trellis structure in lieu of a wall and projecting 10'-6" in lieu of 12" maximum from the wall; installation of two burger logos/symbols signs 21' in lieu of 15' maximum above ground level and 24" in lieu of 10" maximum height; installation of a front wall sign with 24" in lieu of 10" maximum letters and logo/symbol height; installation of a southwest right side sign on a trellis structure with 15" in lieu of 10" maximum letters and logo/symbol height. The property is situated on the east side of the Boston Post Road approximately 225 feet north of the intersection with Thorndal Circle and is shown on Assessor's Map #63 as Lot #s 7, 8, 9, 24, 25 & 26, being 1340 Boston Post Road and located in the SB (Service Business - commercial) and R-1/3 (residential) Zones.

### **CALENDAR NO. 10-2016**

The application of Amy S. Zabetakis, Esq. and Rucci Law Group, LLC on behalf of Carnegie Hill Skin Care P.C. submitted on January 25, 2016 for an amendment of Calendar No. 40-2014 and variances of Sections 381-387, 660, and 904 of the Darien Zoning Regulations; to allow the expansion of a “personal service business and/or doctor’s office” use; Section 381-387: expansion of a non-conforming use; Section 660: personal service business and/or doctor’s office use where none is permitted, with 40.76% in lieu of 20.0% maximum building coverage, and 96.2% in lieu of 80.0% maximum developed site area; and Section 904: 14 in lieu of 24 minimum required parking spaces with less than the required onsite parking depth and backup space. The property is situated on the northeast corner of the intersection formed by Cross Street and Boston Post Road and is shown on Assessor’s Map #63 as Lot #18, being 1472 Boston Post Road and located in an SB (Service Business – commercial) Zone.

### **CALENDAR NO. 12-2016**

The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Laura J. Woznitski submitted on February 24, 2016 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a two story addition; Section 406: 30.0 in lieu of 40.0 feet minimum required rear yard setback. The property is situated on the west side of Delafield Island Road approximately 1400 feet south of the intersection with Locust Hill Road and is shown on Assessor’s Map #64 as Lot #101, being 38 Delafield Island Road and located in the R-1 (residential) Zone.

### **DELIBERATIONS AND DECISIONS**

Discussion, deliberation and possible decisions for Public Hearing request items listed above. Four affirmative votes out of the five seated ZBA members are required to approve a proposal. Decisions are made after the ZBA members review the public hearing comments, submitted plans and other application materials, and carefully consider possible stipulations to ensure the best possible project fit among the neighboring properties. If complications arise ZBA deliberation of the requests may be postponed or continued to a later meeting date.

### **OTHER BUSINESS**

**This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.**

1. Approval of Minutes of meeting on January 20, 2016. ZBA members attending this meeting were Jeff Williams, Vic Capellupo, Gary Greene, Mike Nedder, Rich Wood, and Kevin Fullington.
2. Approval of Minutes of meeting on January 27, 2016. ZBA members attending this meeting were Jeff Williams, Vic Capellupo, Mike Nedder, Ruth Anne Ramsey, and Rich Wood.
3. Review of March 9, 2016 Special Meeting determinations and Town Counsel assistance.
4. General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/ guidelines/ staff questions, project fit relative to neighbor properties, supervision/ inspection of construction projects, and/or requested changes.
5. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).

## **ADJOURNMENT**